

## REMARKS

In the official communication dated March 16, 2010, the Examiner noted that by the previously filed response, newly added claims 18-34 were submitted for consideration. The Examiner asserted that the newly added claims "result in a shift from original presentation of claims".

It is assumed that the Examiner was asserting that the claims added by amendment following the office action were to an invention other than as previously claimed (MPEP section 821.03). However, it is respectfully submitted that the Examiner's premise is incorrect and that the newly submitted claims 18-34 are directed to the same invention as were the previously pending claims, but are not directed to an invention that is independent or distinct from originally pending claims 1-17.

Moreover, while the Examiner has pointed out differences in claim language between the original claims and the later submitted claims, the Examiner has provided no evidentiary basis or reasoning for his implicit assertion that the newly submitted claims are directed to an invention independent or distinct from the originally claimed invention. In other words, the Examiner has neither asserted nor provided any evidence of different (i.e. separate) classifications, separate status in the art, or different fields of search. Accordingly, Applicant respectfully submits that the Examiner's refusal to examine claims 18-34 on the merits is inappropriate and should be withdrawn.

Additionally, Applicant respectfully submits that claims 18-34 could not have been properly restricted from original claims 1-17 had they been earlier presented and that for this additional reason the Examiner's refusal to treat the newly submitted claims is inappropriate and should be withdrawn.

Further, the basis for Applicant's position that the original and the later presented claims

are not directed to independent or distinct inventions is based on the language of the original claims 1-17 and the later presented claims. In particular, and utilizing claim 18 merely as an example, Applicant first notes that both claim 1 and claim 18 are directed to a viewing control apparatus. Further, original claim 1, as noted by the Examiner, recited storing content identification information and viewing condition information. In a similar fashion, claim 18 includes identification information of the contents and date information which indicates a date which allows viewing of the contents, which closely corresponds to the viewing condition information recited in original claim 1. Further, and as the Examiner also pointed out, original claim 1 controls reproduction of the content based on the viewing condition. In a generally similar fashion, claim 18 recites a decoder that decodes the encrypted contents, using the extracted first key data, which is based upon whether or not viewing of the contents associated with the searched identification information is allowed, as described with respect to the previously recited "extractor".

In describing claim 18, the Examiner notes the recitation that it acquires content, via broadcast, communication or from a recording medium. However, this recitation was contained in original claim 6. The Examiner additionally notes that the contents of claim 18 are encrypted by first key data. However, the encryption feature of the present invention was recited at least in previously pending original claims 8, 9, and 11.

The Examiner additionally noted that claim 18 recites contract information including identification information of the contents and date information indicating a date which allows viewing of the contents. In this regard, Applicant again notes that original claim 1 recited identification information and viewing condition information indicating a viewing expiration date of the contents. The Examiner additionally notes that claim 18 recites an advertisement associated with the contract information. In this regard, Applicant notes that claim 1 recited " an

advertisement associated with the viewing condition".

Regarding the storage noted by the Examiner to be recited in claim 18, Applicant respectfully directs the Examiner's attention to original claim 7. Regarding the extractor recited in claim 18, Applicant notes that this recitation relates to an additional feature of the secure module, which includes the updating section, as illustrated in figure 1, aspects of which were recited in original claim 1.

For each of the above noted reasons individually and even more certainly based on all of the above noted reasons, it is respectfully submitted that previously proposed claims 18-34 were not directed to an invention that is independent or distinct from original claims 1-17. In view of the above it is respectfully submitted that the Examiner's decision not to examine the later submitted claims 18-34 on the merits is inappropriate and should be withdrawn.

Nevertheless, upon entry of the present amendment, Applicants will have presented 35-51 which have been prepared in such a fashion as to render clearer the relationship between original claims 1-17 and the aspects and features of the present invention as embodied in previously proposed claims 18-34.

An action on the merits of these claims, together with an indication of the allowability thereof, is respectfully requested in due course.

Moreover, it is respectfully submitted that claims 38-51 are clearly patentable over the prior art of record at least for the reasons set forth in the response filed in the present application on November 16, 2009. In particular, none of the references of record in the present application disclose, teach, suggest, or render obvious the combination of features recited in each of the Applicant's presently pending claims.

## **SUMMARY AND CONCLUSION**

By the present response, Applicant has addressed the basis for the Examiner's communication, dated March 16, 2010 and has shown the conclusions based thereupon to be inappropriate. In particular, Applicant has shown, by direct reference to the explicit language utilized in original claims 1-17 and in later submitted claims 18-34, that each of these sets of claims is directed to the same invention.


Nevertheless, in order to resolve any remaining issues regarding this subject, Applicant has canceled previously submitted claims 18-34 and has submitted new claims 35-51 which are clearly directed to the same invention as original claims 1-17. Accordingly, reconsideration and withdrawal of the above the communication is respectfully requested, together with an action on the merits of newly submitted claims 35-51.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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